

WEST LAFAYETTE POLICE MERIT COMMISSION
MINUTES
March 3, 2006

The West Lafayette Police Merit Commission met in special session at 7:30 pm in Council Chambers at City Hall on March 3, 2006. In compliance with the Indiana Open Door Law, notice of this special meeting was sent to the press and posted, copies of the meeting agenda and outstanding unapproved minutes were available at a table adjacent to the entrance to the Council Chambers.

Police Merit Commission President Corrigan called the meeting to order and presided.

PRESENT: Commissioners Don Corrigan, Sandra Dye, Larry Leverenz, John Polles, and Joel Weber.

ALSO PRESENT: City Attorney Robert Bauman, Police Chief Marvin, Human Resources Director Foster, Clerk-Treasurer Rhodes, and three members of the press. Other than Chief Marvin, there were no members of the West Lafayette Police Department or the public in attendance.

OLD BUSINESS

A. DOCUMENTS ENTERED INTO THE MINUTES

1. Commissioner Polles' motion to include the Letter of Resignation of Commission Council Thomas Brooks, Jr., dated February 15, 2006, into the minutes was unanimously adopted.
2. Commissioner Weber's motion to include Chief Marvin's letter concerning an Open Patrol Officer Position due to the resignation of Brian M. Lowe, dated February 27, 2006, into the minutes was unanimously adopted.
3. Commissioner Leverenz's motion to include Chief Marvin's letter concerning the Suspension Without Pay of Specialist William J. Dearing, dated February 16, 2006, into the minutes was unanimously adopted.
4. Commissioner Leverenz's motion to include Chief Marvin's letter concerning the Suspension Without Pay of Sergeant Kevin A. Flynn, dated February 16, 2006, into the minutes was unanimously adopted.

Commission President Corrigan distributed to all Commissioners an e-mail from City Attorney Robert Bauman dated March 3, 2006 relating to the Hiring of Legal Counsel for the Merit Commission as well as a Handbook on Indiana's Public Access Laws from the Office of the Public Access Counselor.

APPROVAL OF MINUTES

Commissioner Leverenz's motion that the minutes of the December 12, 2005 Regular Meeting be approved as distributed was adopted by a vote of 3 to 0 with 2 abstentions.

Commissioner Weber's motion that the minutes of the December 19, 2005 Special Meeting be approved as distributed was adopted by a vote of 3 to 0 with 2 abstentions.

Commissioner Weber's motion that the minutes of the January 23, 2006 Regular Meeting be approved as distributed was adopted by a vote of 3 to 0 with 2 abstentions.

Commissioner Weber's motion that the minutes of the February 13, 2006 Regular Meeting be approved as distributed was unanimously adopted.

OLD BUSINESS (CONTINUED)

B. ELECTION OF OFFICERS

Commission President Corrigan reported that the Election of Officers conducted on February 13, 2006 would have to be redone in that the secret ballots used were not saved and made a part of the record as required by the Indiana Open Door Law. It was agreed that voting would be done by a show of hands.

PRESIDENT: Commissioner Dye nominated Commissioner Polles. Commissioner Polles nominated Commissioner Corrigan. Commissioner Polles was elected President of the Police Merit Commission by a vote of 3 to 1 with 1 abstention.

VICE PRESIDENT: Commissioner Dye nominated Commissioner Corrigan. No other nominations being made, Commissioner Corrigan was elected Vice President by a vote of 4 to 0 with 1 abstention.

SECRETARY: Commissioner Polles nominated Commissioner Weber. No other nominations being made, Commissioner Weber was elected Secretary by a vote of 5 to 0.

Elections being completed, Commissioner Polles assumed duties of President and presided over the remainder of the meeting.

C. REPORT ON MAY 13, 2006 PROMOTION EXAMINATION

Commissioner Dye reported on her meetings with Professor Jessica Foster, Assistant Professor, Department of Psychological Sciences, Purdue University, concerning the police examination program and Diane Foster, West Lafayette Human Resources Director, concerning possible storage of the examination program, possible posting of the notice of the examination and sign-up for the exam in the HR Office. Outstanding items are where and when the exam will be conducted on May 13, which commissioner will produce and proctor the exam, which commissioner(s) will score completed exams, the signing of a confidentiality statement by officers taking the exam, etc. No final decisions have been made as to the storage of exam materials, notice, sign-up, etc.

NEW BUSINESS

A. SELECTING NEW LEGAL COUNSEL

There was a discussion of the procedure to “request for qualification” for selection of new Police Merit Commission legal counsel. Commissioner Weber was requested to draft an announcement of the opening. City Attorney Bauman would provide comments on the draft and distribute the final draft through the local bar association e-mail network. Commission President Polles will be the Point of Contact for responses.

B. PROCEDURES FOR HANDLING SUMMARY DISCIPLINE REPORTS

Commissioner Corrigan and Police Chief Marvin discussed how Summary Discipline Reports are to be handled in light of press requests for the release of records. Summary Discipline Records are private documents until the Summary Discipline becomes final (48 hours after the member is notified of the Summary Discipline by the Chief).

C. COMMISSION MINUTES

There was a discussion of how detailed Commission Minutes need to be. Minutes of the December 12 and 19, 2005 and January 23 and February 13, 2006 meetings were transcriptions due to the nature of the disciplinary matters addressed during those meetings. Roberts Rules of Order requires only a summary of what happened. The minutes will continue to be tape recorded. The consensus of the Commission was that transcribed minutes are not required on a routine bases.

D. OPENING MEETINGS WITH THE PLEDGE OF ALLEGIANCE

Commissioner Weber’s motion that the Commission meetings open with the Pledge of Allegiance was unanimously adopted.

E. PROTOCOL FOR FORWARDING NEW OFFICER CANDIDATES TO THE CHIEF

Commissioner Corrigan discussed the means used to provide the name of a new officer candidate to the Chief when there is an opening on the Police Force.

F. COMMISSIONERS MEETING WITH OTHERS

Commissioner Corrigan reminded members of their independence and that commissioners can meet with anyone as individuals. Commissioners should not be an informal channel of communication with the Merit Board. If someone has a message to deliver to the commission, they should come to a meeting to deliver their message.

ITEMS FROM THE FLOOR

A. HIRING PRACTICES REVIEW GROUP

Commissioner Dye reminded the other commissioners she was part of a hiring practices review group along with some police officers to review forms used in the hiring process and requested another commissioner assist her with this group. Commissioner Leverenz will assist.

B. UPCOMING TESTING AND INTERVIEW CYCLE

Chief Marvin briefed on the upcoming testing and interview cycle for new officer candidates.

C. MADD TOP COP RECIPIENT

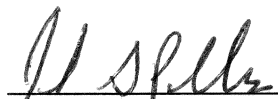
Officer Stason Wiete was recently recognized by Mother's Against Drunk Driving as a "Top Cop" for making the most drunken driving arrests within the West Lafayette Police Department.

PUBLIC COMMENTS

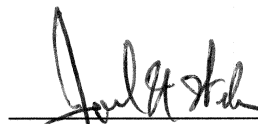
Diane Foster, West Lafayette Human Resources Director, expressed her willingness to assist the Commission with hiring/promotion records and issues.

ADJOURNMENT

The meeting adjourned at 8:37 pm.



John Polles
President



Joel Weber
Secretary

WEST LAFAYETTE POLICE MERIT COMMISSION
SPECIAL MEETING
AGENDA
COUNCIL CHAMBERS, CITY HALL
March 3, 2006, 7:30 P.M.

ROLL

APPROVAL OF MINUTES:

December 12, 2005
December 19, 2005
January 23, 2006
February 13, 2006

OLD BUSINESS

Election of Officers

Acceptance of Resignations

NEW BUSINESS

Discussion Items:

Procedures for selecting Legal Counsel.

Procedures for handling summary discipline reports

Commission Minutes: How detailed do they have to be?

Should we open our meetings with the Pledge of Allegiance?

Review protocol for forwarding new officer candidates to the Chief.

What are the parameters (if any) for Commissioners who schedule meetings with City Officials, Police Department members, outside groups or individual citizens of West Lafayette?

ITEMS FROM THE FLOOR

PUBLIC COMMENTS

ADJOURNMENT

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MAR - 3 2006

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ATTORNEYS AT LAW

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P.O. BOX 650

LAFAYETTE, INDIANA 47902-0650

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(1907-1980)

THOMAS L. BROOKS

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WL POLICE MERIT COMMISSION

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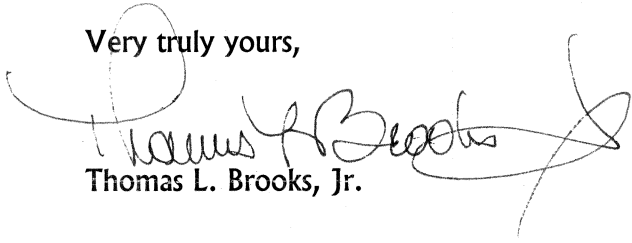
February 15, 2006

West Lafayette Police Merit Board
City Hall
West Lafayette, IN 47906

Dear Commissioners:

After much thought and contemplation, I have decided to resign as counsel to the Commission. I was hired to help the Commission set up its rules and regulations. For the most part, that has been accomplished. I have enjoyed getting to know all of you and respect the fact that there are five independent voices advocating for what, in each of your minds, is the best for the West Lafayette Police Department. I have always been a strong advocate of an independent police merit board and believe I will be able to better advocate that position from the outside. I wish all of you well as you continue doing this important work for the City.

Very truly yours,


Thomas L. Brooks, Jr.

TLBjr/cs

RECEIVED



WEST LAFAYETTE POLICE DEPARTMENT

MAR - 3 2006

WL POLICE MERIT COMMISSION

711 WEST NAVAJO • WEST LAFAYETTE, INDIANA 47906

MAIN PHONE: 765-775-5200 • FAX: 765-775-5228

RECORDS DIVISION: 765-775-5210 • CRIMINAL INVESTIGATION DIVISION: 765-775-5220

February 27, 2006

TO: West Lafayette Police Merit Commission

FR: Chief Marvin

RE: Open Patrol Officer Position

On this date I received a letter of resignation of employment from Brian M. Lowe. In accordance with State Law and Merit Commission Rules and Regulations, I respectfully request that you provide me with the name of the applicant having the highest score on the eligibility list, so that we may continue with the hiring process to fill the position.

A copy of the resignation letter from Brian Lowe is enclosed.

Respectfully,

A handwritten signature in cursive script that reads "Daniel D. Marvin".

Daniel D. Marvin

Chief of Police

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MAR - 3 2006



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To: Chief Marvin
West Lafayette Police Dept.
711 W. Navajo Dr.
West Lafayette, IN 47906

Fr: Brian M. Lowe

Ref: Resignation as WLPD Officer

Dear; Chief Marvin

I have used my allotted vacation for 2006 and I was scheduled to return to duty on Tuesday February 28th 2006.

This letter is my official resignation as an employee of the City of West Lafayette and the West Lafayette Police Dept. effective at 2359 hrs on Monday February 27th 2006.

A handwritten signature in black ink, appearing to read "Bm. Lowe".

Brian M. Lowe



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WL POLICE MERIT COMMISSION

February 16, 2005

TO: Don Corrigan
Larry Leverenz
Sandra Dye
John Polles
Joel Weber

FR: Chief Marvin

RE: Suspension Without Pay

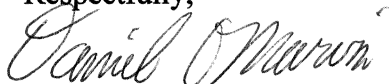
In accordance with state statute #36-8-3.5-19, I am hereby formally notifying you that I have issued a three day (10 hour work days) suspension without pay to Specialist William J. Dearing on this date. The Suspension was issued for violation of:

1. Department Policy #3.03, Rules of Conduct, Section IV. A. 17. titled "Conduct Unbecoming An Officer," subsections f) (Knowingly submitting a false report to the Department) and i) (Any other act or conduct which is unethical or tends to reflect ridicule, debasement, disrepute, disgrace or degradation upon the officer or his department, or otherwise creates disrespect). Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
2. Department Policy #3.03, Rules of Conduct, Section IV. A. 22. titled "Immoral Conduct," which states "Whenever the words 'Immoral conduct' shall be used or referred to in the Rules of Conduct it shall refer to and mean any act evidencing moral turpitude or conduct contrary to justice, honesty, modesty, or good morals." Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.

3. Department Policy #3.03.58 titled "Rules Of Conduct: Fictitious Illness Or Injury Reports," which states "Officers and employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City of West Lafayette as to the condition of their health." Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
4. Merit Commission Rules of Conduct, Article III, E.(1) titled "Unbecoming Conduct," which states "Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon any member, or that which impairs the operation or efficiency of the Department or its members. Members shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute, including but not limited to: (f) knowingly submitting a false report to the Department."
5. Merit Commission Rules of Conduct, Article III, E.(2) titled "Reporting for Duty," which states "Members shall report for duty at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties....."
6. Merit Commission Rules of Conduct, Article III, E.(11) titled "Use of Alcohol While Off Duty," which states "Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, *or renders the member unfit to report for their next regular tour of duty.*" (Emphasis added.)
7. Merit Commission Rules of Conduct, Article III, E.(16) titled "Fictitious Illness or Injury Reports," which states "Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health."

A copy of the Letter of Suspension is attached.

Respectfully,



Daniel D. Marvin
Chief of Police



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MAR - 3 2006

WL POLICE MERIT COMMISSION

February 16, 2005

TO: Don Corrigan
Larry Leverenz
Sandra Dye
John Polles
Joel Weber

FR: Chief Marvin

RE: Suspension Without Pay

In accordance with state statute #36-8-3.5-19, I am hereby formally notifying you that I have issued a one day (10 hour work day) suspension without pay to Sergeant Kevin A. Flynn on this date. The Suspension was issued for violation of:

1. Department Policy #3.03, Rules of Conduct, Section IV. A. 17. titled "Conduct Unbecoming An Officer," subsections f) (Knowingly submitting a false report to the Department). Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
2. Department Policy #3.03, Rules of Conduct, Section IV. A. 22. titled "Immoral Conduct," which states "Whenever the words "Immoral conduct" shall be used or referred to in the Rules of Conduct it shall refer to and mean any act evidencing moral turpitude or conduct contrary to justice, honesty, modesty, or good morals." Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
3. Department Policy #3.03.007 titled "Rules Of Conduct: Commanding And Supervisory Officers." Section B defines a "Supervisory Officer" and reads "The following ranks, Sergeant and any other rank above Technician according to the Chain of Command, shall be considered Supervisory Ranks. They shall be

responsible for carrying out the directions and commands of their Commanding Officers and for directing, coordinating and assisting their subordinates in carrying out duties assigned to them.” B. 1. states “They shall report all irregularities or disciplinary problems to their Commanding Officers.” Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.

4. Department Policy #3.03.036 titled “Rules Of Conduct: False Reports,” which states “No officer or employee shall knowingly make a false official report, orally or written to the department; nor shall he/she knowingly enter or cause to enter in any department books, records or reports, any inaccurate, false, or improper police information. Violation of this Rule of Conduct by an officer shall be considered conduct unbecoming a police officer.” Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
5. Department Policy #3.03.060 titled “Rules Of Conduct: Unsatisfactory Performance.” Section A. 4. states “Unsatisfactory performance may be demonstrated by:” “The failure to conform to work standards established for the employee or officer’s rank, grade or position.” Violation of this policy is also a violation of Art. III.D.(3) of the West Lafayette Merit Commission Rule and Regulations.
6. Merit Commission Rules of Conduct, Article III, E. 1 titled “Unbecoming Conduct,” which states “Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon any member, or that which impairs the operation or efficiency of the Department or its members. Members shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute, including but not limited to: (F) knowingly submitting a false report to the Department.”
7. Merit Commission Rules of Conduct, Article III, E. 19 titled “Unsatisfactory Performance,” which states “Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the function and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the applications of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member’s rank, grade, or position;

A copy of the Letter of Suspension is attached.

Respectfully,

A handwritten signature in cursive script, reading "Daniel D. Marvin". The signature is written in dark ink and is positioned above the printed name and title.

Daniel D. Marvin
Chief of Police